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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,488	10/16/2001	Sridhar Dathathraya	SLA 1056	5148

7590 03/08/2005

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EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/978,488

Applicant(s)

DATHATHRAYA, SRIDHAR

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed October 29, 2004.
2. Claims 1-6, 8-15 and 17 are pending.

### ***Response to Amendments***

3. Per Applicant's request, claims 1-2, 4-5, 8-10, 12-13, 15 and 17 have been amended and claims 7 and 16 have been canceled.
4. The objection to the specification is hereby withdrawn in view of Applicant's amendments to the specification to remove hyperlinks and accompany the trademark with an appropriate <sup>TM</sup> symbol.
5. The objections to claim 8 and to claims 1, 4, 5, 9, 10, 12, 13, 17 are hereby withdrawn in view of Applicant's amendments to claim 8 to be dependent from claim 1 and to claims 1, 4, 5, 9, 10, 12, 13, 17 to remove a comma, respectively.
6. The rejection of claims 7, 9 and 16 under 35 U.S.C. § 112, first paragraph is hereby withdrawn in view of Applicant's cancellation of claims 7 and 16 and amendments to claim 9 to delete the mention of Java and VB.
7. The rejection under 35 U.S.C. § 112, second paragraph of claims 7, 9 and 16 is withdrawn in view of Applicant's cancellation of claims 7 and 16 and amendments to claim 9 to delete the mention of trademarks.
8. The rejection under 35 U.S.C. § 112, second paragraph of claims 10, 13, 15 and 17 is withdrawn in view of Applicant's amendments to these claims to correct the lack of proper antecedent basis of the phrase "file directory" (claims 10, 13 and 15) and "the folder" (claim 17).

9. The rejection under 35 U.S.C. § 112, second paragraph of claims 7, 9 and 16 as being vague and unclear is withdrawn in view of Applicant's cancellation of claims 7 and 16 and amendments to claim 9.

*Response to Remarks*

10. Applicant's arguments in the request for reconsideration under 37 CFR 1.111 and the declaration of Andrew Ferlitsch under 37 CFR 1.132 filed October 29, 2004 have been fully considered but they are not persuasive. Following is the Examiner's response to the arguments presented in both of these communications.

**Claims 1 and 10**

Applicant's arguments:

Tokuda does not describe the steps of supplying a plurality of folders with scripts, selecting a folder, and processing a document as a result. Tokuda cannot, for example, direct that a multimedia document 120 be processed along the second unit 114 workflow path. Unit 114 can only process a network-associated document 122. Thus, Tokuda cannot select a job script folder. Since Tokuda does not explicitly describe the steps of the inventions of claims 1 and 10, he cannot anticipate.

Andrew Ferlitsch's arguments:

In my opinion, it is well known to process different kinds of documents along different workflow paths. Tokuda's apparent point of novelty is in the ability to accept a collection of different document types, and direct the documents along specific workflow paths, once the document has been classified. Therefore, Tokuda is quite different from the claimed invention. The claimed invention does not perform any analysis based upon content. The sorting of documents (Tokuda) should not be confused with the establishment of folder with the job processing scripts, and the claimed invention's ability to direct jobs to one, or more folders. Any sorting operations associated with the Applicant's invention are performed downstream (after) processing.

Examiner's response:

The Examiner notes that the U.S. Court of Customs and Patent Appeals has held that claims are to be given their broadest reasonable interpretation during the prosecution of a patent application. In re Pearson 494 F.2d 1399, 1403, 181 USPQ 641, (CCPA 11974).

In view of this court holding, it is the opinion of the Examiner that considering the claim language of claims 1 and 10, Tokuda does anticipate each and every step claimed in claims 1 and 10:

*supplying a plurality of folders with a corresponding plurality of scripts* (see Figure 1; Tokuda supplies several folders such as “In-first Unit Workflow,” “In-second Unit Workflow” and “In-third Unit Workflow;” these unit workflows are shown on the display of a workflow program as a folder or directory; each unit workflow has different rules or agent scripts to process a specific type of document submitted to this unit workflow);

*selecting a first number of folders* (see Figure 1; the function sort 104 selects the unit workflow according to the type of document);

*processing a document* (See Figure 1; after the document has been processed by the function sort 104, it is further processed by the unit workflow via item 120 or 122 or 124);

*adding the processed document to the selected folders* (See Figure 1; after being processed by the function sort 104, the document is forwarded to the unit workflow).

Contrarily to Applicant’s assertion, Tokuda appears to not only describe explicitly the steps to select a job script folder but also all the steps of the invention claimed in claims 1 and 10.

In response to the argument in the declaration that:

Tokuda is quite different from the claimed invention, the Examiner notes that if the claimed invention comprises only the steps claimed in claims 1 and 10, then the claimed invention is not different from that of Tokuda;

the claimed invention does not perform any analysis based upon content, the Examiner notes that this limitation is not in claims 1 and 10 or alternately stated, claims 1 and 10 do not appear to specifically recite that the claimed method does not perform this type of analysis; thus, any arguments that the claimed invention distinguishes over Tokuda based on this feature are not persuasive;

the sorting of documents (Tokuda) should not be confused with establishment of folder with job processing scripts, and the claimed inventions' ability to direct jobs to one or more folders, the Examiner notes that he interprets the limitation *supplying a plurality of folders with corresponding plurality of scripts* not as a sorting process but as an act of providing unit workflows (e.g., folders) with built-in various rules and scripts to process a document;

any sorting operations associated with the Applicant's invention are performed downstream (after) processing, the Examiner notes that this limitation is not in claims 1 and 10 and the argument is thus moot.

#### **Claims 2-9 and 11-17**

Applicant has essentially argued that the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over Tokuda in view of Matsuo and further in view of SAMS is improper because the three requirements to establish a *prima facie* case are not met.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fire*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is the knowledge generally available to one of ordinary skill in the art because one of ordinary skill in the art would be motivated to replace additional rules or scripts in each unit workflow to execute a MFP device in order to provide automated functions such as scanning, faxing, printing and photocopying the associated document.

In response to Applicant's and Andrew Ferlitsch's arguments that the Office action has not demonstrated that the modification of the cited prior art references points to the reasonable expectation of success in the present invention, the Examiner notes that the expectation of success of such modification to Tokuda is reasonable in view of the common application of process automation using workflow, scripts and control devices in the industries.

In response to the argument that the references even combined do not disclose all the elements of the claimed invention, the Examiner notes that contrarily to Applicant's assertion, all the claimed elements are found disclosed in Tokuda, Matsuo and SAMS. See the discussion above and the Office action that is reproduced hereinafter for Applicant's convenience.

In view of the foregoing discussion, the Examiner maintains that the rejection of claims 1 and 10 under 35 U.S.C. § 102(b) as being anticipated by Tokuda and that of claims 2-6, 8-15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Tokuda in view of Matsuo and further in view of SAMS are still proper.

### *Drawings*

11. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections – 35 U.S.C. § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,038,541 to Tokuda et al. (“Tokuda”).

### **Claims 1 and 10**

Tokuda discloses at least:

*supplying a plurality of folders with a corresponding plurality of scripts* (see at least Figure 1, items 112, 114, 116, or 118 and related discussion in the specification; note



that **folder** is broadly and reasonably interpreted to be first, second, third or manager unit which has rules or agent **scripts** to process a document according to its type);

*selecting a first number of folders* (see at least Figure 1, item 104 and related discussion in the specification);

*processing a document* (see at least Figure 1, items 104, 120, 122, 124 or 126 and related discussion in the specification; note that sorting means 104 analyzes each of the entered electronic documents, extracts a candidate of document type therefrom and classifies the electronic document according to the document type); and

*adding the processed document to the selected folders* (see at least Figure 1, items 112, 114, 116, or 118 and related discussion in the specification; note that following the processing step by the sorting means, the electronic document is classified according to the document type, i.e., added to the selected folder which is 112, 114, 116, or 118).

### *Claim Rejections – 35 USC § 103*

14. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-6, 8-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuda, as applied to base claims 1 and 10, in view of U.S. Patent No. 6,775,729 to Matsuo et al. (“Matsuo”), and further in view of SAMS, Teach Yourself Javascript™ in 24 Hour (“SAMS”).

### **Claims 2 and 11**

Rejections of base claims 1 and 10 are incorporated. Tokuda does not specifically disclose *at least one multifunctional peripheral (MFP) device is supplied with functions comprising scanning, faxing, printing, and copying, and wherein processing a document includes using processes selected from the group including scanning, faxing, printing, and copying.* However, Matsuo discloses a MFP that is configured for managing multi-functional peripheral devices (see at least 1:35 – 67, 6:32 – 7:49). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsuo's MFP in Tokuda because this would provide Tokuda with control functions for scanner, fax, printer and photocopier.

### **Claim 3**

Rejections of base claim 1 and intervening claim 2 are incorporated. Tokuda further discloses *in response to adding the processed document to a first number of selected folders, generating the document in a first number of scripts* (see at least Figure 1, items 120, 122, 124, 126 and related discussion in the specification).

### **Claim 4**

Rejections of base claim 1 and intervening claims 2-3 are incorporated. Tokuda further discloses:

*at least one computer workstation with an operating system is supplied, connected to a MFP device* (see at least Figure 1, items 112, 114, 116, 118 and related discussion in the specification) and *the method further comprising:*

*installing a shell extension to the computer operating system* (see at least Figure 5, block comprising items 520, 522, 524 and related discussion in the specification);

*in response to accessing the shell extension, generating the first number of folders* (see at least Figure 5, block comprising items 520, 522, 524 and related discussion in the specification); and

*writing a script for each of the first number of folders* (see at least Figure 5, block comprising items 520, 522, 524 and related discussion in the specification).

#### **Claims 5 and 14**

Rejections of base claims 1, 10 and intervening claims 2-4, 11-13, respectively are incorporated. Tokuda further discloses:

*in response to accessing the shell extension, selecting folders for editing* (see at least Figure 5, block comprising items 520, 522, 524 and related discussion in the specification); and

*editing the scripts in the selected folders* (see at least Figure 5, block comprising items 520, 522, 524 and related discussion in the specification).

#### **Claims 6 and 15**

Rejections of base claims 1, 10 and intervening claims 2-5, 11-14, respectively are incorporated. Tokuda further discloses *saving the folders* (see at least 11:65-67).

#### **Claim 8**

The rejection of base claim 1 is incorporated. Tokuda does not specifically disclose *selecting an MFP device at which the document is to be processed*. However, Matsuo discloses a MFP that is configured for managing multi-functional peripheral devices

(see at least 1:35 – 67, 6:32 – 7:49). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsuo's MFP in Tokuda because this would provide Tokuda with control functions for scanner, fax, printer and photocopier.

**Claim 9**

Since claim 9 recites the same features of claims 4 (a-c), 7, 6, 1 (a-d) and 3, the rejections of these claims are thus applied to claim 9.

**Claim 12**

Rejections of base claim 10 and intervening claims 11 are incorporated. Claim 12 recites the same features of claims 1d and 3. Therefore, claim 12 is rejected for the same reasons.

**Claim 13**

Rejections of base claim 10 and intervening claims 11-12 are incorporated. Claim 13 recites the same features of claims 1a and 4 (a-c). Therefore, claim 13 is rejected for the same reasons.

**Claim 17**

Claim 17 recites the same features of claims 13 (a-b), 12, 7, 6, 1(b). Therefore, the same rejections are thus applied to claim 17.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone

number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 7:15 to 17:15. After October, 25, 2004, the examiner can be reached at (571) 272-3701 and the examiner's supervisor at (571) 272-3695.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Art Unit 2122

February 28, 2005